

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**April 28, 2008**

- C050600      THE PEOPLE v. HILL      (Not For Publication)**  
The judgment is modified to award defendant two days of conduct credit and to impose a \$40 court security fee. As so modified, the judgment is affirmed. The trial court is directed to prepare a second amended abstract of judgment, reflecting the two restitution fines and the court security fee imposed in this case and designating whether conduct credit in this case is calculated pursuant to section 2933.1 or section 4019. A certified copy of the second amended abstract shall be forwarded to the Department  
CANTIL-SAKAUYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C052789      THE PEOPLE v. HALTIWANGER      (Not For Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur: Nicholson, Acting P.J.  
Robie, J.
- C055447      THE PEOPLE v. GONZALEZ      (Not For Publication)**  
The judgment is modified to impose two \$20 court security fees pursuant to Penal Code section 1465.8 subdivision (a) (1). As modified, the judgment is affirmed. ...  
HULL, J.  
I concur: Davis, Acting P.J.  
I concur except as to Part II of the Discussion in which I concur in the result.  
Nicholson, J.
- C055032      THE PEOPLE v. DUKE      (Not For Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Davis, Acting P.J.  
Morrison, J.
- C056864      THE PEOPLE v. COOLEY      (Not For Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Blease, Acting P.J.  
Nicholson, J.

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**Court Minutes**

**April 28, 2008 continued**

- C053641      FORTY-NINER SIERRA RESOURCES,      (Not For Publication)**  
**INC., et al. v. NEW MOTOR VEHICLE**  
**BOARD; SUBARU OF AMERICA, INC.**  
The judgment is affirmed. Subaru shall recover its costs of this appeal.  
(Cal. Rules of Court, rule 8.278 (a) (2) . )  
BUTZ, J.  
We Concur:    Blease, Acting P.J.  
                 Cantil-Sakauye, J.
- C054718      AMERICAN BOARD OF COSMETIC      (Certified For Publication)**  
**SURGERY, INC. v. MEDICAL BOARD OF**  
**CALIFORNIA et al.**  
The judgment is reversed and the trial court is directed to enter a new  
judgment denying the petition. The Board is entitled to its costs on appeal. (Cal.  
Rules of court, rule 8.276 (a) (1) . )  
BLEASE, Acting P.J.  
We Concur:    Sims, J.  
                 Hull, J.
- C052211      HI-VOLTAGE WIRE WORKS, INC. v. HERMAN; EIDSON**  
**BY THE COURT:**  
Appellant Ed Herman's petition for rehearing is denied.  
SCOTLAND, P.J.
- C052211      HI-VOLTAGE WIRE WORKS, INC. v. HERMAN; EIDSON**  
**BY THE COURT:**  
The request of appellants Hi-Voltage Wire Works, Inc., and Derian Eidson  
to publish the opinion filed on April 02, 2008, is denied.  
SCOTLAND, P.J.
- C055095      MONTGOMERY v. HARWOOD JR.**  
**BY THE COURT:**  
The petition for rehearing is granted. ...  
SIMS, Acting P.J.  
Nicholson, J.  
Hull, J.
- C053380      THE PEOPLE v. BARTHOLOMEW**  
**BY THE COURT:**  
Appellant's petition for rehearing is denied.  
MORRISON, Acting P.J.

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Appellant's request to publish the opinion filed on April 4, 2008, is denied.  
 RAYE, Acting P.J.

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**April 30, 2008**

- C053802      THE PEOPLE v. SEMIEN, JR.      (Certified For Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Cantil-Sakauye, J.
- C054414      THE PEOPLE v. CHAVEZ      (Not For Publication)**  
The clerk of the trial court is ordered to file an amended abstract of judgment noting trial was a jury trial, and recording defendant's sentence on his conviction, ... . The trial court clerk is directed to forward the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.  
NICHOLSON, J.  
We Concur: Davis, Acting P.J.  
Raye, J.
- C054656      THE PEOPLE v. EDDARDS II      (Certified For Publication)**  
Defendant's conviction is affirmed.  
The 10 percent "administration fee" imposed on the amount of \$1,055.62, ordered paid to the State Restitution Fund, is stricken. The judgment is modified to impose a court security fee of \$40. The case is remanded to the trial court, and the trial court is directed to prepare an amended probation minute order reflecting these changes and specifying the statutory bases for all fines, fees and penalties imposed upon defendant and reflecting that the court security fee is not a condition of probation.  
SIMS, Acting P.J.  
We Concur: Davis, J.  
Raye, J.
- C055605      THE PEOPLE v. COUTURE      (Not For Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Cantil-Sakauye, J.
- C055761      THE PEOPLE v. OCHOA      (Not For Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Davis, Acting P.J.  
Hull, J.

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**Court Minutes**

**April 30, 2008 continued**

**C056285      THE PEOPLE v. BROWN      (Not For Publication)**

The judgment is affirmed.

ROBIE, J.

We Concur: Morrison, Acting P.J.  
Butz, J.

**C056567      THE PEOPLE v. LLOYD      (Not For Publication)**

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Davis, J.  
Raye, J.

**C054997      HAMPTON et al. v. HAMPTON et al.      (Not For Publication)**

The matter is remanded to the trial court so that it may vacate its order abating action, and may order instead that the action be dismissed with prejudice. Respondents shall recover their costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (3), (5) . )

SIMS, Acting P.J.

We Concur: Davis, J.  
Raye, J.

**May 1, 2008**

**C053511      THE PEOPLE v. VILLA      (Not For Publication)**

The judgment (order of probation) is reversed, and the case is remanded to the trial court for further proceedings. If the People elect not to seek imposition of the gang offender registration requirement on remand, then the judgment (order of probation) shall be reinstated in its entirety with the exception of the gang offender registration requirement. If the People elect to seek imposition of the gang offender requirement on remand, then defendant shall first be given the opportunity to withdraw his plea. If defendant elects to withdraw his plea, then the trial court shall reinstate the dismissed charges and proceed accordingly.

DAVIS, Acting P.J.

We Concur: Robie, J.  
Butz, J.

**C055326      THE PEOPLE v. ALLEN II      (Not For Publication)**

The judgment is affirmed.

HULL, J.

We Concur: Blease, Acting P.J.  
Nicholson, J.

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**Court Minutes**

**May 1, 2008 continued**

**C057110      THE PEOPLE v. LANG, JR.      (Not For Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Davis, Acting P.J.  
Robie, J.

**May 2, 2008**

**C054223      THE PEOPLE v. ROSANO      (Not For Publication)**  
The judgment is modified to apply 48 days of presentence custody credit (32 actual days and 16 good conduct days) to defendant's sentence for evading a peace officer. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment that incorporates this modification, and to forward a certified copy of the abstract to the Department of Corrections and Rehabilitation.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Blease, J.

**C054465      THE PEOPLE v. WIGGINS      (Not For Publication)**  
The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting the \$50 laboratory fee and its corresponding penalty assessments, the \$150 drug program fee and its corresponding penalty assessments, and the \$20 court security fee, and to forward a certified copy to the Department of Corrections and Rehabilitation.  
DAVIS, Acting P.J.  
We Concur: Nicholson, J.  
Hull, J.

**C055119      THE PEOPLE v. ROWELL      (Not For Publication)**  
The judgment is affirmed.  
BLEASE, J.  
We Concur: Scotland, P.J.  
Hull, J.

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**Court Minutes**

**May 2, 2008 continued**

**C055617      THE PEOPLE v. BURDAN      (Not For Publication)**

The trial court is directed to prepare a new order of probation that makes clear that the probation supervision fee, the presentence investigation report fee and the public defender fees are not conditions of probation. In all other respects, the judgment is affirmed.

DAVIS, Acting P.J.

We Concur: Nicholson, J.

Hull, J.